

**HOUSE BILL No. 2332**

By Representative Toplikar

2-10

1 AN ACT concerning elections; relating to advance voting ballots;  
2 requiring identification of the sender on third party solicitations to  
3 registered voters to file an application for an advance voting ballot;  
4 amending K.S.A. 2020 Supp. 25-1122 and repealing the existing  
5 section.  
6

authorizing permanent advance voting status for  
any registered voter;

and 25-1122d

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2020 Supp. 25-1122 is hereby amended to read as  
9 follows: 25-1122. (a) Any registered voter may file with the county  
10 election officer where the person is a resident, or where the person is  
11 authorized by law to vote as a former precinct resident, an application for  
12 an advance voting ballot. The signed application shall be transmitted only  
13 to the county election officer by personal delivery, mail, facsimile or as  
14 otherwise provided by law.

15 (b) If the registered voter is applying for an advance voting ballot to  
16 be transmitted in person, the voter shall provide identification pursuant to  
17 K.S.A. 25-2908, and amendments thereto.

18 (c) If the registered voter is applying for an advance voting ballot to  
19 be transmitted by mail, the voter shall provide with the application for an  
20 advance voting ballot the voter's current and valid Kansas driver's license  
21 number, nondriver's identification card number or a photocopy of any  
22 other identification provided by K.S.A. 25-2908, and amendments thereto.

23 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,  
24 and amendments thereto, if:

25 (1) The voter is unable or refuses to provide current and valid  
26 identification; or

27 (2) the name and address of the voter provided on the application for  
28 an advance voting ballot do not match the voter's name and address on the  
29 registration book. The voter shall provide a valid form of identification as  
30 defined in K.S.A. 25-2908, and amendments thereto, to the county election  
31 officer in person or provide a copy by mail or electronic means before the  
32 meeting of the county board of canvassers. At the meeting of the county  
33 board of canvassers the county election officer shall present copies of  
34 identification received from provisional voters and the corresponding  
35 provisional ballots. If the county board of canvassers determines that a  
36 voter's identification is valid and the provisional ballot was properly cast,

1 the ballot shall be counted.

2 (e) No county election officer shall provide an advance voting ballot  
3 to a person who is requesting an advance voting ballot to be transmitted by  
4 mail unless:

5 (1) The county election official verifies that the signature of the  
6 person matches that on file in the county voter registration records, except  
7 that verification of the voter's signature shall not be required if a voter has  
8 a disability preventing the voter from signing. Signature verification may  
9 occur by electronic device or by human inspection. In the event that the  
10 signature of a person who is requesting an advance voting ballot does not  
11 match that on file, the county election officer shall attempt to contact the  
12 person and shall offer the person another opportunity to provide the  
13 person's signature for the purposes of verifying the person's identity. If the  
14 county election officer is unable to reach the person, the county election  
15 officer may transmit a provisional ballot, however, such provisional ballot  
16 may not be counted unless a signature is included therewith that can be  
17 verified; and

18 (2) the person provides such person's full Kansas driver's license  
19 number, Kansas nondriver's identification card number issued by the  
20 division of vehicles, or submits such person's application for an advance  
21 voting ballot and a copy of identification provided by K.S.A. 25-2908, and  
22 amendments thereto, to the county election officer for verification. If a  
23 person applies for an advance voting ballot to be transmitted by mail but  
24 fails to provide identification pursuant to this subsection or the  
25 identification of the person cannot be verified by the county election  
26 officer, the county election officer shall provide information to the person  
27 regarding the voter rights provisions of subsection (d) and shall provide  
28 the person an opportunity to provide identification pursuant to this  
29 subsection. For the purposes of this act, Kansas state offices and offices of  
30 any subdivision of the state will allow any person seeking to vote by an  
31 advance voting ballot the use of a photocopying device to make one  
32 photocopy of an identification document at no cost.

33 (f) Applications for advance voting ballots to be transmitted to the  
34 voter by mail shall be filed only at the following times:

35 (1) For the primary election occurring on the first Tuesday in August  
36 in both even-numbered and odd-numbered years, between April 1 of such  
37 year and the Tuesday of the week preceding such primary election.

38 (2) For the general election occurring on the Tuesday following the  
39 first Monday in November in both even-numbered and odd-numbered  
40 years, between 90 days prior to such election and the Tuesday of the week  
41 preceding such general election.

42 (3) For question submitted elections occurring on the date of a  
43 primary or general election, the same as is provided for ballots for election

1 of officers at such election.

2 (4) For question submitted elections not occurring on the date of a  
3 primary or general election, between the time of the first published notice  
4 thereof and the Tuesday of the week preceding such question submitted  
5 election, except that if the question submitted election is held on a day  
6 other than a Tuesday, the final date for mailing of advance voting ballots  
7 shall be one week before such election.

8 (5) For any special election of officers, at such time as is specified by  
9 the secretary of state.

10 The county election officer of any county may receive applications  
11 prior to the time specified in this subsection and hold such applications  
12 until the beginning of the prescribed application period. Such applications  
13 shall be treated as filed on that date.

14 (g) Unless an earlier date is designated by the county election office,  
15 applications for advance voting ballots transmitted to the voter in person in  
16 the office of the county election officer shall be filed on the Tuesday next  
17 preceding the election and on each subsequent business day until no later  
18 than 12 noon on the day preceding such election. If the county election  
19 officer so provides, applications for advance voting ballots transmitted to  
20 the voter in person in the office of the county election officer also may be  
21 filed on the Saturday preceding the election. Upon receipt of any such  
22 properly executed application, the county election officer shall deliver to  
23 the voter such ballots and instructions as are provided for in this act.

24 An application for an advance voting ballot filed by a voter who has a  
25 temporary illness or disability or who is not proficient in reading the  
26 English language or by a person rendering assistance to such voter may be  
27 filed during the regular advance ballot application periods until the close  
28 of the polls on election day.

29 The county election officer may designate places other than the central  
30 county election office as satellite advance voting sites. At any satellite  
31 advance voting site, a registered voter may obtain an application for  
32 advance voting ballots. Ballots and instructions shall be delivered to the  
33 voter in the same manner and subject to the same limitations as otherwise  
34 provided by this subsection.

35 (h) Any person ~~having a permanent disability or an illness that has~~  
36 ~~been diagnosed as a permanent illness is hereby authorized to~~ make an  
37 application for permanent advance voting status. Applications for  
38 permanent advance voting status shall be in the form and contain such  
39 information as is required for application for advance voting ballots ~~and~~  
40 ~~also shall contain information that establishes the voter's right to~~  
41 ~~permanent advance voting status.~~

may

42 (i) On receipt of any application filed under the provisions of this  
43 section, the county election officer shall prepare and maintain in such

1 officer's office a list of the names of all persons who have filed such  
2 applications, together with their correct post office address and the  
3 precinct, ward, township or voting area in which the persons claim to be  
4 registered voters or to be authorized by law to vote as former precinct  
5 residents and the present resident address of each applicant. Names and  
6 addresses shall remain so listed until the day of such election. The county  
7 election officer shall maintain a separate listing of the names and addresses  
8 of persons qualifying for permanent advance voting status. All such lists  
9 shall be available for inspection upon request in compliance with this  
10 subsection by any registered voter during regular business hours. The  
11 county election officer upon receipt of the applications shall enter upon a  
12 record kept by such officer the name and address of each applicant, which  
13 record shall conform to the list above required. Before inspection of any  
14 advance voting ballot application list, the person desiring to make the  
15 inspection shall provide to the county election officer identification in the  
16 form of driver's license or other reliable identification and shall sign a log  
17 book or application form maintained by the officer stating the person's  
18 name and address and showing the date and time of inspection. All records  
19 made by the county election officer shall be subject to public inspection,  
20 except that the voter identification information required by subsections (b)  
21 and (c) and the identifying number on ballots and ballot envelopes and  
22 records of such numbers shall not be made public.

23 (j) If a person on the permanent advance voting list fails to vote in  
24 four consecutive general elections held on the Tuesday succeeding the first  
25 Monday in November of each even-numbered and odd-numbered year, the  
26 county election officer may mail a notice to such voter. The notice shall  
27 inform the voter that the voter's name will be removed from the permanent  
28 advance voting list unless the voter renews the application for permanent  
29 advance voting status within 30 days after the notice is mailed. If the voter  
30 fails to renew such application, the county election officer shall remove the  
31 voter's name from the permanent advance voting list. Failure to renew the  
32 application for permanent advance voting status shall not result in removal  
33 of the voter's name from the voter registration list.

34 (k) *Any person who solicits by mail a registered voter to file an*  
35 *application for an advance voting ballot shall include on the exterior of*  
36 *such mailing, and on each page contained therein, except the application,*  
37 *a clear and conspicuous label in 14-point font or larger that includes:*

38 (1) *The name of the individual or organization that caused such*  
39 *solicitation to be mailed;*

40 (2) *if an organization, the name of the president, chief executive*  
41 *officer or executive director of such organization;*

42 (3) *the address of such individual or organization; and*

43 (4) *the following statement: "Disclosure: This is not a government*

1 *mailing. It is from a private individual or organization."*

2 (l) The secretary of state may adopt rules and regulations in order to  
3 implement the provisions of this section and to define valid forms of  
4 identification.

5 ✓ Sec. 2. K.S.A. 2020 Supp. 25-1122 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its  
7 publication in the statute book.

Insert Attachment A

and 25-1122d are

And by renumbering sections accordingly

Attachment A

Sec. 2. K.S.A. 2020 Supp. 25-1122d is hereby amended to read as follows: 25-1122d. (a) The application for an advance voting ballot to be transmitted by mail shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring to Vote an Advance Voting Ballot State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

I, \_\_\_\_\_

(Please print name)

do solemnly affirm under penalty of perjury that I am a qualified elector of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on \_\_\_\_\_ street, city of \_\_\_\_\_, or in the township of \_\_\_\_\_, county of \_\_\_\_\_, and state of Kansas. My date of birth is \_\_\_\_\_ (month/day/year).

I understand that a current and valid Kansas driver's license number or Kansas nondriver's identification card number must be provided in order to receive a ballot. If I do not have a current and valid Kansas driver's license number or Kansas nondriver's identification card number, I must provide one of the following forms of identification with this application in order to receive a ballot:

A copy of any one of the following types of photographic identification: A driver's license issued by Kansas or by another state or district of the United States, a state identification card issued by Kansas or by another state or district of the United States, a concealed carry of handgun license issued by Kansas or a concealed carry of handgun or weapon license issued by another state or district of the United States, a United States passport, an employee badge or identification document issued by a municipal, county, state, or federal government office or agency, a military identification document issued by the United States, a student identification card issued by an accredited post secondary institution of education in the state of Kansas, or a public assistance identification card issued by a municipal, county, state, or federal government office or agency. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_ (to be filled in only when requesting primary election ballots). I desire my ballots to be sent to the following address:

\_\_\_\_\_  
\_\_\_\_\_

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(b) The application for an advance voting ballot to be transmitted in person shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring to Vote an Advance Voting Ballot State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

I, \_\_\_\_\_

(Please print name)

do solemnly affirm under penalty of perjury that I am a qualified elector of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on \_\_\_\_\_ street, city of \_\_\_\_\_, or in the township of \_\_\_\_\_, county of \_\_\_\_\_, and state of Kansas. My date of birth is \_\_\_\_\_ (month/day/year).

I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_ (to be filled in only when requesting primary election ballots).

\_\_\_\_\_  
\_\_\_\_\_

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(c) An application for permanent advance voting status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) and in addition thereto a statement regarding the permanent character of such illness or disability shall state the requirements for maintaining such permanent advance voting status as required in K.S.A. 25-1122, and amendments thereto.

(d) Any application by a former precinct resident shall state both the former and present residence, address, precinct and county of such former precinct resident and the date of change of residence.

(e) The secretary of state may adopt rules and regulations in order to implement the provisions of this section.